

7/24/86  
PL:V

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE:** B-221173.2      **DATE:** February 18, 1986  
**MATTER OF:** California Shorthand Reporting--Request for  
Reconsideration  
**DIGEST:**

GAO will not reopen case which was dismissed because the protester's comments to contracting agency's report were received after the 7-day period for filing comments even though the protester's comments were mailed to GAO within the 7-day period.

California Shorthand Reporting (CSR) requests reconsideration of our dismissal of its protest against the award of contract No. MSPB-86-Q-001 MSF by the Merit Systems Protection Board (MSPB) to ACME Reporting Company. We affirm the dismissal.

CSR filed its protest with our Office on November 25, 1985 and the scheduled due date for receipt of the agency's report was January 2, 1986. Our Office received the report on that date and CSR indicates that it received its copy on January 7. CSR failed to file comments or request that we consider the protest on the basis of the existing record and, on January 22, we issued a dismissal notice and closed our file pursuant to our Bid Protest Regulations, 4 C.F.R. § 21.3(e) (1985).

CSR argues that it mailed our Office written comments on January 14 and has submitted as evidence a U.S. Postal Service Certificate of Mailing. CSR contends that we should have received the comments in a timely manner and requests that we reopen the case based on the evidence presented.

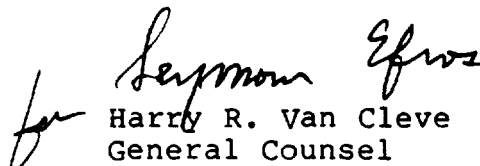
While we recognize that CSR intended to comply with our filing requirements, our records show that we did not receive CSR's comments until January 24. Although CSR mailed its comments on January 14, the term filed means "receipt of the protest submission in the General Accounting Office." 4 C.F.R. § 21.2(c). A protester makes

034575

use of the mail at its own risk, and a delay in the mail does not provide a basis for waiving our Bid Protest Regulations and considering the protest. Hexagon Honeycomb Corp.--Reconsideration, B-219316.2, Aug. 1, 1985, 85-2 CPD ¶ 117. Both our published regulations and our November 26 notice to CSR, acknowledging the protest, clearly indicate that comments are to be filed with our Office within 7 working days and state the consequences of a failure to file in a timely manner and we consider it incumbent upon a protester to exercise the due diligence and care necessary to meet the requirements.

As we have often stated, we regard bid protests as serious matters which require effective and equitable procedural standards both so that parties have a fair opportunity to present their cases and so that protests can be resolved in a reasonably speedy manner. See, e.g., Edron, Inc.--Reconsideration, B-207353.2, Sept. 8, 1982, 82-2 CPD ¶ 207. Our regulations are intended to provide for expeditious consideration of objections to procurement actions without unduly disrupting the government's procurement process. CSR's comments were not received by our Office in a timely manner and reopening CSR's protest file at this time would be inconsistent with this purpose. Therefore, the file will remain closed and our dismissal of CSR's protest is affirmed. See Egerman Roofing Supply Co., B-213371.2, Mar. 19, 1984, 84-1 CPD ¶ 323.

The dismissal is affirmed.

  
Harry R. Van Cleve  
General Counsel